

# **EXHIBIT 3**

**From:** [Robert MacGill](#)  
**To:** [Scott Klein](#)  
**Cc:** [Alex Otchy](#); [Andy Goldstein](#); [Patrick Sanders](#); [Scott Murray](#); [Steve Mintz](#); [Terence McCormick](#)  
**Subject:** Re: Call Today  
**Date:** Friday, February 9, 2024 5:54:40 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Scott,

Your refusal to meet and confer is unacceptable. We have sought a conference for days and you now propose a call on Tuesday and you do not return phone calls.

We can agree to February 26 for the 30b6. Please let us know by noon today if you confirm this date.

To preserve our rights and the milestones for discovery set by the Court, we will file our Third Motion to Compel this afternoon if you do not confirm.

Best regards.

Robert D. MacGill  
MacGill PC  
Inland Building  
156 E. Market St.  
Suite 1200  
Indianapolis, IN 46204  
W: 317-961-5085  
M: 317-442-3825  
[Robert.MacGill@MacGillLaw.com](mailto:Robert.MacGill@MacGillLaw.com)  
[www.MacGillLaw.com](http://www.MacGillLaw.com)

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On Feb 8, 2024, at 7:27 PM, Scott Klein <[Klein@mintzandgold.com](mailto:Klein@mintzandgold.com)> wrote:

Robert,

Thanks for the email. We will be sending you tomorrow our responses and objections to the 30(b)(6) Notice you served on Guidepost.

Once you have received and reviewed, we can set up a meet and confer for Tuesday (I am out of pocket on Monday).

Once we settle on the topics, we will then determine which individual to submit for the deposition. While dates could change based on which witness we provide, it looks like we could have some availability a few days during the week of Feb 26<sup>th</sup>.

As we stated earlier this week, we are unavailable on Feb 14<sup>th</sup>, but we will work with you and co-defendants' counsel to find a mutually agreeable date.

Regards,  
Scott



Scott Klein  
600 Third Avenue, 25th Fl., New York, NY 10016  
D 646.792.0333 | O 212.696.4848 | C 917.886.2204



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**From:** Robert MacGill <robert.macgill@macgilllaw.com>  
**Sent:** Thursday, February 8, 2024 1:43 PM  
**To:** Scott Klein <Klein@mintzandgold.com>  
**Cc:** Alex Otchy <otchy@mintzandgold.com>; Andy Goldstein <agoldstein@colelawgrouppc.com>; Patrick Sanders <patrick.sanders@macgilllaw.com>; Scott Murray <Scott.Murray@macgilllaw.com>; Steve Mintz <Mintz@mintzandgold.com>; Terence McCormick <McCormick@mintzandgold.com>  
**Subject:** Call Today

Scott - I called your office two times just now and your receptionist was unable to connect me to your VM so I thought an email would be a good approach.

I would like to discuss dates for our 30(b)6 deposition of GuidePost this afternoon. What time would be best for you?

Best regards.

Robert D. MacGill  
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156 E. Market St.  
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Indianapolis, IN 46260  
317.442.3825  
[Robert.MacGill@MacGillLaw.com](mailto:Robert.MacGill@MacGillLaw.com)

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